Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

IN RE COMPLAINT AGAINST DARKANGELB98 A.K.A DARKANGELB01

ON PETITION FOR DISCIPLINARY PROCEEDINGS WITHIN THE SUPREME COURT ACTING AS A COURT OF THE JUDICIARY

No. 01–04. Argued December 24, 2021—Decided December 29, 2021

Two complaints were promptly filed against Judge DarkAngelB98 A.K.A. DarkAngelB01 at the release of this opinion in succession and so the Court sua sponte ordered the binding of them for ease. The Judge was asked to answer questions of the Court and obliged to do so, while through the proceedings requesting the Court injunct Congress from their investigation into him, the Court denied the request. Questions concluded on the 26th of December 2021 and the Court voted unanimously to suspend the Judge for a period no longer than one month.

Held: The Judge acted in violation of Canon 2(a) and Canon 3(a)(3) on multiple occasions while exhibiting hostility to multiple parties. Pp 3-9.

(a) As we've chronicled, "suspension falls within the ambit of the exercise of our constitutional authority" to expel. And we, like other high courts, have never had a "tradition" of "refus[ing] to exercise judicial power when there was an established need for it and . . . no constitutional barrier to its exercise." *In re Coffey's Case*, 949 A. 2d 102, 193–194 (N. H. 2008). Pp 5-8.

(b) "[t]he legitimacy of the Judicial Branch ultimately depends on its reputation for impartiality and nonpartisanship." *Mistretta v. United States*, 488 U. S. 361, 407 (1989). Simply put, "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U. S. 11, 14 (1954). It follows that "public perception of judicial integity is 'a state interest of the highest order.'" *Williams Yulee v. Florida Bar*, 575 U. S. 433, 445---446 (2015) (citation omitted). For that reason, courts maintain a

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strong stake in the "untainted administration of justice." *Mesarosh v. United State*s, 352 U.S. 1, 14 (1956). Pp. 4-5.

(c) The Judge is ordered to be suspended from their judicial duties for a period lasting no longer than one month, all cases under their docket shall be reassigned and they shall relinquish their judicial powers (but not their office) until the 29th of January, 2021 – or when the Congress transmits to the Court of the completion of their investigation. Pp. 9.

BARRETT, C.J., filed the opinion of the Court, with THOMAS, O'CONNOR and RUSHING, J.J., joining.

SUPREME COURT OF THE UNITED STATES

No. 01-04

IN RE COMPLAINT AGAINST DARKANGELB98 A.K.A DARKANGELB01

ON PETITION FOR DISCIPLINARY PROCEEDINGS WITHIN THE SUPREME COURT ACTING AS A COURT OF THE JUDICIARY

[December 29, 2021]

CHIEF JUSTICE BARRETT delivered the opinion of the Court.

In this case the Court was presented with two individual complaints on judicial conduct by the District Judge which shall hereinafter be referred to as 'Complaint I'[1] and Complaint II'[2]. The Court consolidated the actions into a singular disciplinary proceeding *sua sponte*.

I

As a result we will explore the following (1) the disciplinary powers afforded to the Supreme Court through the Constitution and laws of the United States (2) whether the respondent had violated the Canons of Judicial Conduct and (3) the appropriate punishment for the violation(s).

II

The facts of this case are straightforward and it is clear that punishment is warranted.

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[1]https://drive.google.com/file/d/1g2EUOdX0qowT2EvYbaF0udvomNpOdGQJ/view

[2]https://drive.google.com/file/d/1W8vlKRUwGttJNcLHiU24XpBUATVePQ8a/view

A

The power of the Appellate Courts (Federal Courts of Appeal) is well documented in U.S. law, *see* 28 U.S. Code Chp. 16. It can reasonably be assumed that the ultimate appellate authority therefore rests with the United States Supreme Court following the dissolution and abolition of the Court of Appeals through an Act of Congress.

At the time of the ratification of our Constitution in the year 2021 more than half of the State Supreme Court's are vested with the authority to suspend and expel lower court judges and in supermajority votes, their own high court colleagues. However to solely base the opinion off such an association would be weak and fool hardy, we therefore have explored the Founding Father's approach to judicial discipline. We find that the Court does hold the final and superior disciplinary authority of the United States' judicial officers, including Article III judges.

1

This interpretation is based on the Judiciary's strong constitutional interest in its legitimacy. As we have repeatedly admonished, "[t]he legitimacy of the Judicial Branch ultimately depends on its reputation for impartiality and nonpartisanship." *Mistretta v. United States*, 488 U. S. 361, 407 (1989). Simply put, "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U. S. 11, 14 (1954). It follows that "public perception of judicial integity is 'a state interest of the highest order.'" *Williams Yulee v. Florida Bar*, 575 U. S. 433, 445---446 (2015) (citation omitted). For that reason, courts maintain a strong stake in the "untainted administration of justice." *Mesarosh v. United State*s, 352 U.S. 1, 14 (1956).

But when it comes to a statute of indeterminate scope, courts have a general obligation to avoid-"unless the terms of [the statute] rende[r] it unavoidable"-"giv[ing] [it] a construction ... which should involve a violation, however unintentional, of the [C]onstitution." *Parsons v. Bedford, 3*

Pet. 433, 448449 (1830). Therefore, when a statute respecting judicial procedure is ambiguous but one interpretation has the potential to apply unjustly or irrationally, courts must adopt an interpretation which avoids those problems.

And when rules are violated, there must be a penalty. The third branch of government, like all others, "must function." *Hastings v. Judicial Conference of the United States,* 593 F. Supp. 1371, 1380 (D. C. 1984). And if that means we "must have rules" and be "effectively managed," then so be it.[3] Including cases where there exists removal or discipline there is an indisputable right to 'finality'. (Quoting *Nixon v. United States*)[4](Citations omitted).

2

In real life, it should go without saying that this Court has no inherent disciplinary power over the lower court judges. Any such power must be conferred by statute, but due to the fact the Court is not only vested with authority by the Court of Appeals as well it is not only reasonable but necessary to assume the disciplinary power as a *Court of the Judiciary*. We must also consider our role as a judicial check and balance as seen in the Federalist Papers[5]. We "have no commission" to second guess this policy choice.[6] Our duty is to give it real effect. The granting of a power or duty "implies . . . all the authority necessary to make the grant effectual."[7] Indeed, any grant of "power carries with it all the usual, ordinary, and necessary means to effectuate the beneficial exercise of the power." *See Ventress v. Smith*, 10 Pet. 161, 169 (1836).

It is obviously "usual, ordinary, and necessary" that a person who has done something that merits consideration of suspension may need to be restricted in their perfor-

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[3] *Ibid*
[4] 506 U. S. 224, 236
[5] No. 78
[6] *Ibid*
[7] *Pensacola Tel. Co. v. West*, 96 U. S. 1, 18 (1877)

mance of judicial duties while the Court considers expulsion.[8]

3

Reference to state-level supreme courts that share the same power of removal confirms the existence of the suspension power, at least preliminary to an expulsion decision, and we see no reason to cabin that power to a preliminary context. If the Court has the power to suspend a judge preliminary to an expulsion decision, it makes sense that the Court could choose, a fortiori, to continue such a suspension for a fixed period of time instead of turning to the extreme option of expulsion.

4

As we've chronicled, "suspension falls within the ambit of the exercise of our constitutional authority" to expel.[9] And we, like other high courts, have never had a "tradition" of "refus[ing] to exercise judicial power when there was an established need for it and . . . no constitutional barrier to its exercise."[10] Life tenure presents no such barrier because "a suspended judge remains a judge and is merely denied the power to perform his judicial duties for a limited period of time." *Matter of Ross*, 428 A. 2d 858, 868 (Me. 1981). When discussing preliminary suspensions, there is no doubt as to "established need." When a judge has done something that raises the specter of expulsion, a temporary restriction is more than appropriate. The Constitution does not require we proceed zero-to-one-hundred where expulions are concerned. Preliminary suspension allows this Court to fully review the case without the risk of an admin attack or other interim abuse of power by the

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[8] *Ibid*

[9] *In re Coffey's Case*, 949 A. 2d 102, 193–194 (N. H. 2008). State supreme courts who possess the power to "remove . . . judge[s]" have likewise found a subsumed power to "suspend." *In the Matter Turco*, 137 Wn. 2d 227, 249 (Wash. 1999)

[10] Coffey, supra, at 194.

judge under investigation. There is no reason to draw the line at the termination of the preliminary context. There is no rational reason for the Court to be bound to terminate a preliminary suspension with a decision either to expel or not.

But "as [with] countless othe[r]" laws, the Constitution wasn't written entirely by one person and thus isn't a "chef d'oeuvre of legislative draftsmanship." *Utility Air Regulatory Group v. EPA*, 573 U. S. 302, 320 (2014) so it is easy to assume that the power to expel while affirmed in today's judiciary and later affirmed indirectly in the federalist papers and in countless other Ro-Communities exists in our Constitution and the statute(s) conferring such authority to the previous Court of Appeals.

B

We've established the legality of preliminary suspensions and it's easy to imagine the value in permitting this Court to gradually phase out such a suspension after the conclusion of proceedings in lieu of an expulsion upon a conclusion that some punishment is warranted.

The legality of extending a suspension for a reasonable fixed period past our resolution of an ethics complaint is clear.

III

We will now evaluate whether or not the Judge has been in violation of the basic rules and Canons of Judicial Conduct that were adopted by the Supreme Court[11].

A

Complaint I will be addressed first in this section. There are five exhibits the complainant uses to allege violations ranging from Canon 2 to Canon 3(a)(3). Exhibits 1-5 show an address by the Judge that seems to portray his extreme annoyance with prosecutors, this is clearly inconsistent

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[11] https://trello.com/c/pN4lyoEf/30-adoption-of-the-united-states-code-of-conduct-for-federal-judges

with Canon 3(a)(3) of the Code of Conduct[12]. We can also evaluate clearly that a dismissal *with* prejudice was neither warranted nor lawful and used as a power to *retaliate* against the Department of Justice and not in the power of "self-defense" *Cool v. Angel,* 1 U.S. ___ (2021).

The Court therefore as a result finds the judge liable and in violation of Canon 3(a)(3) and Canon 2 of the Judicial Code of Conduct.

B

Complaint II provides 6 exhibits which show the Judge acting with misconduct and disregard for the basic principles of justice, including dismissals *with* prejudice without citation for any judicial rule broken, constitutional right abridged or common law violated. The Judge clearly threatened an individual in the General Communications Server of the United States and stated 'You ping me one more time and the ag [Attorney General] will be the least of your concerns'.

The attitude and actions of the Judge in no doubt place him in violation of Canon 3(a)(3) and Canon 2(a).

C

An integral part of these proceedings do include the notion that Congress has started an investigation into the Judge specifically and announced a larger scope one on the 28th December, 2021. The respondent asked the Court to issue an order preventing the Congress from exercising their investigatory powers but the request was promptly denied. The check of one branch does not inhibit another branch from seizing the opportunity to balance it.

IV

In conclusion the Court has found the Judge to be in vio-

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[12] "a judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct by those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process."

lation of Canon 2(a) and Canon 3(a)(3) and has already explained in Part II-III that the power of discipline encompasses suspension and expulsion. However, the Court has taken additional factors into consideration and will therefore order the following.

Punishment is warranted and needed here to maintain the 'impartiality' and 'trust' in the judicial branch. *See Mistretta, ibid.*

The Judge (DarkAngelB01) is ordered to be suspended from their judicial duties for a period lasting no longer than one month, all cases under their docket shall be reassigned and they shall relinquish their judicial powers (but not their office) until the 29th of January, 2021 – or when the Congress transmits to the Court of the completion of their investigation.

It is so ordered.